IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

Bail Appl..No. 2016 of 2007()

AGAINST THE ORDER IN LPC 1 OF 2001 IN
SC.533/1999 of SUB COURT, PAYYANNUR

Crime No.296/95 of Payangadi Police Station

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: PETITIONER/ACCUSED

HAMEED, AGED 37 YEARS,
S/O. KUNJIMOIDEEN, NALU PURAPPATTIL THEKKATHIL,
RAMANTHALI AMSOM, VIA VENGARA, PALAKKAD.

BY ADV. SRI.K.ABDUL JAWAD

RESPONDENTS: COMPLAINANTS

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
PAYANGADI POLICE STATION.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 2016 OF 2007 B

Dated this the 3rd day of April, 2007

O R D E R

Petitioner, who is the 29th accused in Crime No.296/95 of Payangadi Police Station for offences punishable under sections 324, 353 and 307 IPC, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in S.C.No.204/98 on the file of the Assistant Sessions Court, Payyannur, the case against him was refiled as S.C.No.533/99. As he was absconding in the said case, the case against him was transferred to the Long Pending Register as LPC No.1/2001. The petitioner has a case that the co-accused in S.C.No.204/98 have been acquitted after trial. That is not a matter which can be considered by this court in an application for anticipatory bail. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the trial court and seek regular bail. Accordingly, if the petitioner surrenders before the Assistant Sessions Court, Payyannur and files an application for regular bail, within two weeks from today, the same shall be

considered and disposed of, preferably on the same date on which it is filed, after examining the explanation offered by the petitioner for his previous non-appearance and also after considering his contention that the co-accused in the case has been acquitted after trial.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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